

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585 - 1800



Tu 21a

DATE: May 25, 2006

TO: Commissioners and Interested Parties

FROM: Jack Ainsworth, Deputy Director, South Central Coast District
Gary Timm, District Manager
Lillian Ford, Coastal Program Analyst

SUBJECT: City of Carpinteria Local Coastal Program Amendment No. CPN-MAJ-1-05 [3960 Via Real Zone Change] for Public Hearing and Commission Action at the California Coastal Commission hearing of June 13, 2006 in Santa Rosa.

DESCRIPTION OF THE SUBMITTAL

On December 21, 2005, the City of Carpinteria submitted an amendment to its certified Local Coastal Program to amend the Implementation Program/Zoning Ordinance to change the zoning of an approximately 2/3 acre parcel located at 3960 Via Real from Mobile Home Park (MHP) to Single Family Residential (6-R-1).

On April 18, 2006, the Executive Director determined that the City's Amendment was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510 (b).

Pursuant to Coastal Act Section 30513 and California Code of Regulations Section 13542 (b), the Commission must take action on this amendment within 60 days, by June 17, 2006.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the Implementation Program/Zoning Ordinance Amendment as submitted. As discussed in the findings set forth in this report, the amendment conforms with, and is adequate to carry out, the relevant provisions of the City's certified Land Use Plan. **The motion and resolution for Commission action is on page 3.**

For additional information please contact Lillian Ford at the South Central Coast District Office: 89 South California St., Ste. 200, Ventura, CA 93001 or 805-585-1800.

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The standard of review for Implementation Program (IP) amendments is found in Section 30513 of the Coastal Act. This section requires the Commission to certify an IP amendment if it finds that it conforms to, and is adequate to carry out, the provisions of the certified Land Use Plan. Specifically, Section 30513 states:

....The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan.

Thus the standard of review for this amendment is the certified City of Carpinteria Land Use Plan.

B. LUP POLICY EFFECTIVENESS

In accordance with Policy LU-1b of the certified City of Carpinteria LUP, certain LUP policies and components shall not become effective until the Commission certifies amendments to the Implementation Program that are adequate to carry out those policies and components. Figure LU-1, the Land Use Map, of the certified LUP is one such component that will not become effective until zoning map amendments that are adequate to carry out the map are certified. The proposed amendment is adequate to carry out that portion of the Figure LU-1 of the certified LUP that applies to the subject property.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of the California Code of Regulations, the City resolution for submittal may provide that a Local Coastal Program Amendment will either require formal adoption by the local government after the Commission action to approve, or is an amendment that will take effect automatically upon the Commission's approval. In this case, the City has submitted the amendment as one that requires formal adoption by the City following Commission approval. Pursuant to Section 13544 of the Code of Regulations, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification and report such adequacy to the Commission.

D. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held public hearings on the proposed ordinance on October 3, 2005, November 14, 2005, November 28, 2005, and March 13, 2006. The hearings were noticed to the public consistent with Sections 13551 and 13552 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PROGRAM AMENDMENT

Following public hearing, staff recommends that the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and the staff recommendation is provided prior to each resolution.

APPROVAL OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED

MOTION: I move that the Commission reject the Implementation Program Amendment (CPN-MAJ-1-05) for the City of Carpinteria as submitted.

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment (CPN-MAJ-1-05) for the City of Carpinteria as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with and is adequate to carry out the provisions of the certified Land Use Plan, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

III. FINDINGS AND DECLARATIONS FOR THE IMPLEMENTATION PROGRAM AMENDMENT APPROVAL AS SUBMITTED

The following findings support the Commission's approval of the LCP Amendment as submitted. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION

The City proposes to amend the Implementation Program/Zoning Ordinance (IP) portion of its certified Local Coastal Program (LCP) to modify the zoning map to rezone an approximately 2/3 acre parcel located at 3960 Via Real from Mobile Home Park (MHP) to Single Family Residential (6-R-1). The parcel is located adjacent to and north of Via Real, and west of

Cravens Lane, in the northwestern section of the City. This section of the City contains a mixture of uses, including single and multi-family residential, agricultural, commercial and industrial.

The site is surrounded on the west, north, and east by the Sandpiper Mobile Home Park. Prior to 1986, the subject parcel and the area containing the Sandpiper Mobile Home Park were located within the unincorporated area of Santa Barbara County. On September 15, 1986, the City pre-zoned the parcels containing the Sandpiper Mobile Home Park to Mobile Home Park (MHP) and included the subject parcel, which was surrounded by the mobile home park. The parcels were subsequently annexed to the City. Apart from its proximity to the much larger Sandpiper Mobile Home Park, it is unclear why the subject parcel was designated mobile home park as there is no evidence in the record indicating that the site was ever developed or planned to be developed with mobile homes.

The subject parcel is designated "Medium Density Residential," with a maximum allowable density of 4.7 to 20 dwelling units per acre, on the Land Use Map (Figure LU-1) of the certified City of Carpinteria LUP, so no amendment to the LUP is proposed or needed. The City Council resolution is included as **Exhibit 1** and the City Council ordinance is included as **Exhibit 2**.

In conjunction with the subject LCP amendment, the City has considered a subdivision of the parcel into four lots to accommodate the existing pattern of development on the site, which consists of four bungalow-style single-family dwellings and associated accessory structures. The bungalows, which range from 1,133 sq. ft. to 1,969 sq. ft. in size and are approximately 65 to 75 years old, were once part of the historic Pierpont Inn, which was moved from the site to Ventura in 1962 to accommodate construction of Pacific Coast Highway. Although the proposed subdivision is not part of the subject amendment request, the proposed tentative tract map is included for illustrative purposes as **Exhibit 3**.

B. ISSUE ANALYSIS

The proposed amendment would rezone an approximately 2/3 acre parcel located at 3960 Via Real from Mobile Home Park (MHP) to Single Family Residential (6-R-1). This amendment would allow for the continued single-family residential use of the site, and would more accurately reflect the existing pattern of development on the site, which consists primarily of four bungalow-style single-family dwellings and associated accessory structures. As noted above, although the parcel is surrounded by the Sandpiper Mobile Home Park, there is no evidence in the record indicating that the site was ever developed or planned to be developed with mobile homes.

The proposed Single Family Residential (6-R-1) zoning is consistent with the Land Use Map (Figure LU-1) of the certified City of Carpinteria LUP, which designates the subject parcel for Medium Density Residential use, with a maximum allowable density of 4.7 to 20 dwelling units per acre. Furthermore, the proposed amendment applies an established zoning designation that is consistent with Figure LU-1, and is thus adequate to carry out the LUP as it applies to the land use designation of the subject parcel.

Therefore, the Commission finds that the proposed amendment, as submitted, is consistent with and adequate to carry out the certified City of Carpinteria LUP.

IV. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LCP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

The proposed amendment is to the City of Carpinteria's certified Local Coastal Program Implementation Ordinance. The Commission originally certified the City of Carpinteria's Local Coastal Program Land Use Plan and Implementation Ordinance in 1980. For the reasons discussed in this report, the LCP amendment as submitted is consistent with the intent of the applicable policies of the certified Land Use Plan and no feasible alternatives are available which would lessen any significant adverse effect which the approval would have on the environment. Therefore, the Commission finds that the LCP amendment is consistent with CEQA and the Land Use Plan.

RESOLUTION NO. 4983

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, APPROVING, FOR THE PURPOSES OF SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION, A RESOLUTION ADOPTING ORDINANCE NO. 608, A LOCAL COASTAL PROGRAM AMENDMENT TO REZONE APN 005-430-022 FROM MOBILE HOME PARK (MHP) TO SINGLE FAMILY RESIDENTIAL (6-R-1), AND REPEALING RESOLUTION NO. 4961

THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA RESOLVES AS FOLLOWS:

Section 1. The City Council of the City of Carpinteria finds, determines and declares:

a. A full and complete copy of the project materials (05-1212-TPM/VAR/CDP/RZ[LCPA]) (Parton Project) is on file with the City's Community Development Department, located at 5775 Carpinteria Avenue, Carpinteria, California.

b. Pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq., "CEQA"), the California Code of Regulations, Title 14, Section 15000 et seq. ("CEQA Guidelines") and the City of Carpinteria's Environmental Review Guidelines as applicable, the City has determined that the project is categorically exempt from CEQA pursuant to Sections 15303(e), 15305 (a) and 15315 of the CEQA Guidelines.

c. At a duly noticed public hearing on October 3, 2005, the Planning Commission considered the Project and Categorical Exemption and forwarded its recommendation to support the Rezone/Local Coastal Program Amendment to the City Council.

d. On November 14, 2005 and November 28, 2005, after considering the Planning Commission's recommendation, receiving public comment, due consideration, and discussion among the Council and staff, a majority of the City Council approved the project for submittal to the California Coastal Commission pursuant to Public Resources Code Section 30510 and the California Code of Regulations Section 13551(b)(2).

e. On January 11, 2006, the City was informed by the Coastal Commission staff that the adopted Resolution did not meet the requirements of the Coastal Act Regulations and that a new Resolution was required.

f. On March 13, 2006, the City Council adopted this revised resolution certifying that the proposed Local Coastal Program Amendment is intended to carry out the policies of the City's Local Coastal Program consistent with the California Coastal Act and directing that the proposed amendment be transmitted to the California Coastal Commission for filing in accordance with Section 13551(b)(2) of Title 14 of the California Code of Regulations.

g. The LCP Amendment has been presented to the City Council of the City of Carpinteria concurrent with its review and consideration of the Project which cannot be effectuated unless and until the Coastal Commission final certification of the LCP Amendment is complete.

EXHIBIT NO. /

APPLICATION NO.

CPN-MAJ-1-05

RESOLUTION #4983

h. The proposed amendment approved for submittal to the California Coastal Commission by the City Council as set forth below reflects the recommendations of the Planning Commission and the City Council and will become effective after final certification by the California Coastal Commission.

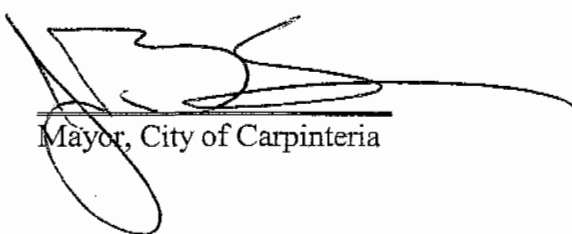
i. Documents constituting the record of proceedings on the Project are located and under the custody of the City of Carpinteria, Community Development Director, 5775 Carpinteria Avenue, Carpinteria, California.

Section 2. NOW, THEREFORE, BE IT RESOLVED that pursuant to Public Resources Code Section 30510 and California Code of Regulations 13551 (b)(2), the City Council held a public hearing on the proposed amendment to the LCP and is transmitting this proposed amendment to the California Coastal Commission for submittal and filing pursuant to California Code of Regulations, Title 14 Section 13551(b)(2).

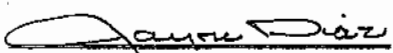
Section 3. NOW, THEREFORE, BE IT ALSO RESOLVED that Resolution No. 4961 is repealed.

PASSED, APPROVED AND ADOPTED this 13th day of March 2006, by the following vote:

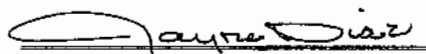
AYES:	Councilmember(s):	Ledbetter, Gandrud, Armendariz, Jordan, Stein
NOES:	Councilmember(s):	None
ABSENT:	Councilmember(s):	None


Mayor, City of Carpinteria

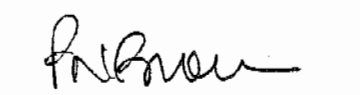
ATTEST:


City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 13th day of March 2006.


City Clerk, City of Carpinteria

APPROVED AS TO FORM:


City Attorney

ORDINANCE NO. 608

AN ORDINANCE OF THE CARPINTERIA CITY COUNCIL
AMENDING THE CITY'S OFFICIAL ZONING MAP
TO CHANGE THE ZONE ON ASSESSOR'S PARCEL NUMBER 005-430-022
FROM MOBILE HOME PARK (MHP) TO SINGLE FAMILY RESIDENTIAL
(6-R-1, 6,000 SQUARE FOOT MINIMUM LOT SIZE)

PROJECT NO. 05-1212 PARTON TPM/RZ/VAR/CDP
3960 Via Real

The Carpinteria City Council does hereby ordain as follows:

SECTION 1.

Following a duly noticed public hearing and upon the recommendation of the Planning Commission, the City of Carpinteria Official Zoning map, as adopted by Ordinance Number 315 on October 12, 1981, and subsequently amended, is hereby further amended as follows and as shown on the attached Exhibit:

<u>Assessor's Parcel</u>	<u>Existing Zone</u>	<u>Proposed Zone</u>
005-430-022	Mobile Home Park (MHP)	Single Family Residential (6-R-1)

SECTION 2.

This Ordinance shall be in full force and effect thirty (30) days following certification as an amendment to the City's Local Coastal Program by the California Coastal Commission; and before the expiration of fifteen (15) days following passage, this Ordinance shall be published once with the names of the members of the City Council voting for and against the same in The Coastal View, a newspaper of general circulation, published in the City of Carpinteria.

PASSED, APPROVED AND ADOPTED this 28th day of November 2005 by the following vote:

AYES: Councilmember(s): Gandrud, Armendariz, Jordan, Stein

NOES: Councilmember(s): None

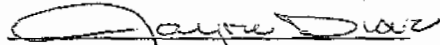
ABSENT: Councilmember(s): Ledbetter



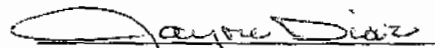
Mayor, City of Carpinteria

EXHIBIT NO. 2
APPLICATION NO.
CPN-MAJ-1-05
ORDINANCE #608

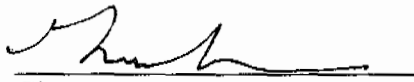
ATTEST:

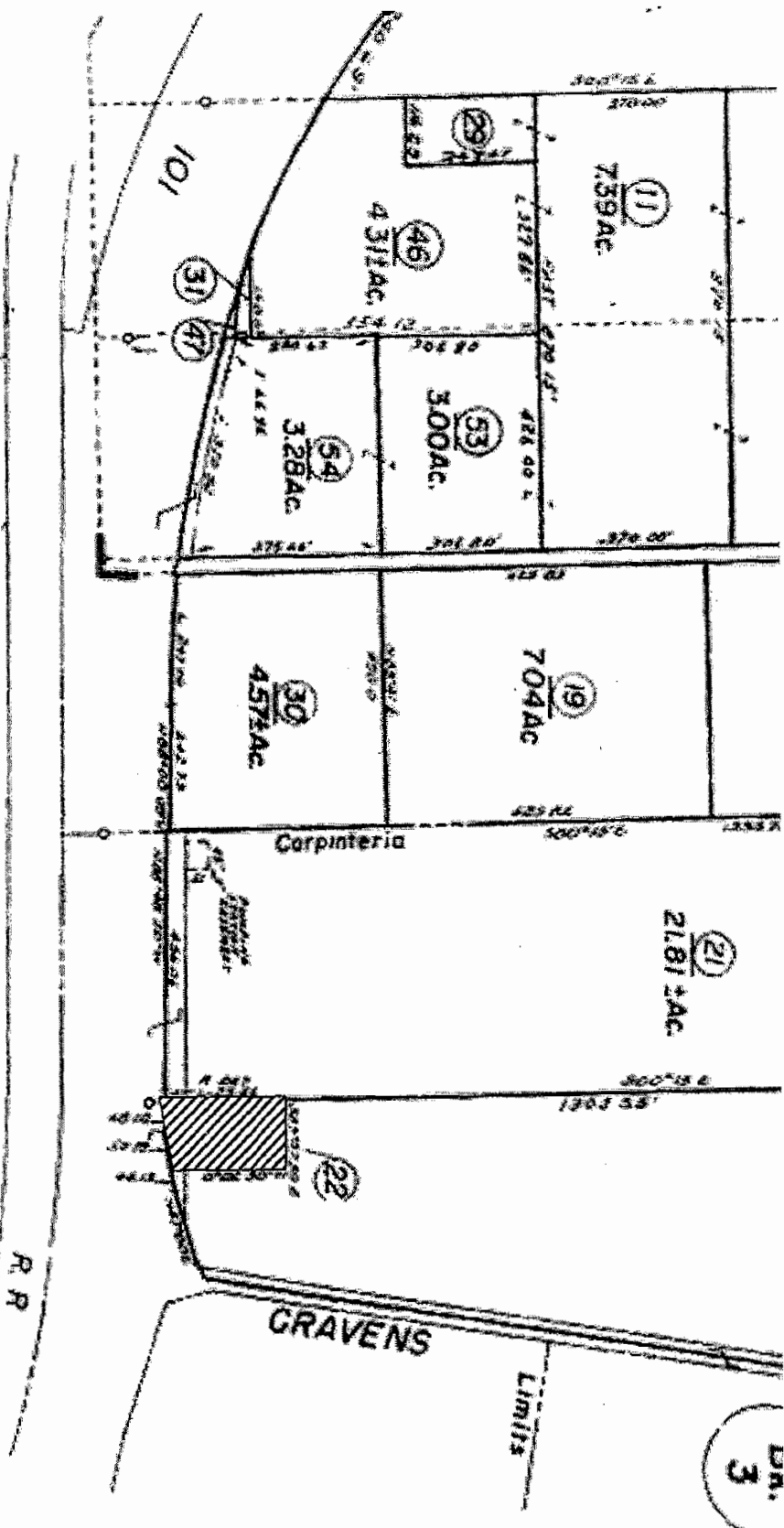

City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria on the 28th day of November 2005.


City Clerk, City of Carpinteria

APPROVED AS TO FORM:


City Attorney



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Assessor's Map Bk. 5 - Pg. 43
County of Santa Barbara, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

5/07 21, 22 & 51. 1070 607 154115

11-28-05

HWY 101

VIA REAL

PROPOSED PARCEL
8747 SQ. FT./0.194 ACRES

PROPOSED LOT

PROPOSED PARCEL 2
7531 RD ET ALIAS ACRES

PROPOSED PARCEL
75221 SQ. FT./0.172 ACRES

M&F

I HEREBY APPLY FOR THE
PROPERTY AS SHOWN ON
ENCLOSED ALBERT OR THE
SIGNED RETURN IS TRUE
AND CORRECT

EXHIBIT NO. 3
APPLICATION NO.

CPN-MAJ-1-05

TENTATIVE MAP

MAP LEGEND:

[illegible]

TENTATIVE MAP:

PREPARED, ILLUSTRATED & PUBLISHED BY THE FOLIO (4) PACKETS
 OF THE 2004-2005 / 2005 AND 2006, CITY OF CHICAGO, ILL.
 COUNTY OF COOK, ILLINOIS, STATE OF ILLINOIS
 PREPARED FOR: LAND SURVEYING INC.
 2004-2005 / 2005 AND 2006, CITY OF CHICAGO, ILL.
 COUNTY OF COOK, ILLINOIS, STATE OF ILLINOIS
 PREPARED BY: LAND SURVEYING INC.
 2004-2005 / 2005 AND 2006, CITY OF CHICAGO, ILL.
 COUNTY OF COOK, ILLINOIS, STATE OF ILLINOIS

WLS
3555 HOLISTER AVENUE - SUITES 7 & 8
GLENDALE, CALIFORNIA 91201
(800) 841-6161

BOALD 1" x 10"	W.D. 6th, 24118	SHEET 1
WILLIAM WARRING, NOV. 2004		
LOANED DATE MAR 24, 2005		
LOANED DATE MAR 24, 2005		